IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

WP(C).No. 7195 of 2007(F)

PETITIONER:

M.V.MATHEW, AGED 60 YEARS,
S/O.VARKEY, MOOTHEDATH HOUSE, MEKKADAMPU P.O.,
MUVATTUPUZHA, ASST.ENGINEER (RETD), PWD NATIONAL
HIGHWAY SUB DIVISION, KOTHAMANGALAM.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS:

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1. SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT, SECRETARIAT,
TRIVANDRUM.

2. CHIEF ENGINEER, P.W.D. GENERAL &
ADMINISTRATION, TRIVANDRUM.

3. EXECUTIVE ENGINEER,
P.W.D.ROADS DIVISION, MUVATTUPUZHA.

BY GOVT. PLEADER, SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 7195 OF 2007

Dated this the 6th day of March, 2007

J U D G M E N T

Petitioner, while working as Assistant Engineer in the Public Works Department, National Highway Sub Division, Kothamangalam retired from service on June 30, 2001. His grievance is that respondent No.2 is not issuing the non liability certificate to enable him to get his retiral benefits. It appears that issuance of the certificate is being withheld on the ground that some liabilities are outstanding against the petitioner.

2. I do not propose to deal with the various contentions raised by the petitioner in the writ petition at this stage, particularly in view of the limited prayer made by the learned counsel at the Bar. It is pointed out by the learned counsel that in response to Ext.P5 show cause notice dated October 31, 2006, petitioner has submitted Ext.P6 reply/explanation on February 17, 2007. The limited prayer in this writ petition is to issue an appropriate direction to respondent No.2 to complete the proceedings, if any, contemplated against the petitioner pursuant

to Ext.P5 show cause notice.

3. In this context, learned counsel invites my attention to Ext.P1 show cause notice also, which was issued to the petitioner way back in the year 2003. There is considerable force in the contention raised by the petitioner that the Department in general, and respondent No.2 in particular, has been dragging its feet in the matter. Apparently, the Department has shown total indifference and disregard to the request made by the petitioner to complete the process of enquiry expeditiously, and issue the non liability certificate.

4. It is contended by the learned counsel that there are apparent inconsistencies in the matter of fixation of liability on the petitioner, as discernible from the communications issued by the subordinate officers of respondent No.2. I refrain from making any further observations on the contents of Exts.P1, P5 and also of Exts. P4, P7 and P8. I am satisfied that the respondents cannot be allowed to procrastinate the matter any further. If it is proposed to take any action against the petitioner pursuant to Ext.P1 or P5, it shall be ensured by the 2nd respondent that appropriate steps are initiated forthwith to

complete the process of enquiry/proceedings expeditiously. This shall be done as expeditiously as possible, at any rate, within a period of four months from the date of receipt of a copy of this judgment. Needless to say, the petitioner shall be afforded sufficient opportunity to be heard in the matter. Petitioner shall produce certified copy of this judgment along with a copy of the writ petition before the 1st respondent for compliance.

The writ petition is disposed of as above.

A.K. BASHEER, JUDGE

vps

KURIAN JOSEPH, JUDGE

OP NO.

JUDGMENT

21st DECEMBER, 2006